Name of Claimant NISHI, Sennosuke Case 108

Custodian File 10195

REAL PROPERTY												Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village				
Sale Price	5% thereof & 12.50	Sale Price	10% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:			
						% of Total	Amount		% of Total	Amount		
		1350.	135.00	67.50 12.50								215.

PERSONAL PROPERTY								
Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS						
Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	

MISCELLANEOUS CHATTELS								
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	

TOTAL RECOMMENDATION	215.

1540

CASE NO: 108

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B.C.

May 12, 1948

IN THE MATTER OF THE CLAIM OF

SENNOSUKE NISHI

PROCEEDINGS AT HEARING

Original

CASE NO: 108

IN THE MATTER OF THE "INQUIRIES ACT."

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

10 Kamloops, B.C.

May 12, 1948

IN THE MATTER OF THE CLAIM OF

SENNOSUKE NISHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

D.W. McTAVISH, Esq.,	appearing for the Dominion Government.
R.J. McMASTER, Esq.,	appearing for the Claimant.

J.R. COLLEY, Esq.,	Secretary to Kamloops Sub-Commission.
G.N.R. UPTON, Esq.,	Official Interpreter
G. HAMBLETON, Esq.,	Official Reporter.

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MR. McMASTER: I would like to call the case of S. Nishi, No. 107 on the original list. I am calling Mr. Arthur Nishiguchi to give evidence.

ARTHUR NISHIGUCHI, a witness called on behalf of the Claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McMASTER:

10 Q: Witness, you have been requested by Mr. Nishi to give evidence on his behalf with respect to this claim? A: Yes, sir.

Q: I produce to you a Power of Attorney from Mr. Nishi. Did he execute that Power of Attorney in your favour, and is that his mark on it?

A: Yes, sir, he did.

MR. McMASTER: I produce it to my learned friend. I don't think it is necessary to file it unless he wishes.

20 MR. McTAVISH: No, it is not necessary to file it, your honour.

MR. McMASTER: Witness, Mr. Nishi is your brother-in-law, is that correct? A: That is right.

Q: Are you familiar with the premises with respect to which he is making a claim? A: Yes.

Q: I produce to you a statement with regard to these premises. Did you instruct me to draw that statement and is that your signature on it?

A: Yes, sir.

30 Q: Are the contents of the statement true to the

best of your knowledge and recollection?

A: Yes.

MR. McMASTER: I ask to file that as Exhibit No. 1.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. McMASTER: I file on behalf of my learned friend what purports to be a copy of an appraisal by the Westminster Trust Company with respect to this property.

(APPRAISAL MARKED EXHIBIT NO. 2)

10 MR. McMASTER: I might refer to exhibit No. 1, your honour.

The property is shown there as situated at 828 Royal Avenue, New Westminster, B.C. It is stated to be a dwelling house, six rooms, and a two-room suite in the basement. The description of the type of finish is shown. The property was purchased by the claimant in 1927, as appears in the statement, for $1500.00. The witness states that it was situated in a middle-
20 class residential district and has set forth the improvements made to the premises by the claimant after purchase, and says that it cost approximately $1,000.00. The witness also states that the claimant attended to normal repairs and had part of the roof re-shingled and repainted the whole house a few years before evacuation, and the premises were in good condition.

Then the witness draws attention to the
30 fact that the claimant purchased the premises

from a widow. She was without funds and had let the premises get into a state of disrepair. The witness states that he considered that the claimant got a very good bargain and that the claimant fixed up the premises very nicely and kept them in A-1 condition.

With respect to the appraisal report, he points out that it is not very descriptive and says that actually these premises were quite attractive. He also comments that while the iron works were in the vicinity -- next door -- there were a number of good middle-class homes in the same block and that the property was situated in a nice neighbourhood.

He points out that the property was not sold until June, 1944, when the market for houses of this size was very good, and estimates the value of the premises at the date of sale to be $2500.00.

Your witness.

MR. McTAVISH: It is submitted, your honour, that the real property was sold for its fair market value.

I would ask my friend to admit the 1944 assessment.

MR. McMASTER: Have you got an assessment?

MR. McTAVISH: The land was valued at $765.00, and the improvements at $1100.00, making $1865.00 in all.

MR. McMASTER: That appears to be correct, your honour.

CROSS EXAMINATION BY MR. McTAVISH:

Q: Witness, did you live in these premises?

A: No, I did not.

Q: What do you base your knowledge or your information on that the claimant spend $1,000 in repairing it? A: I was told by my brother-in-law at that time; and very lately, too.

Q: At what time did he carry out these repairs?

A: Shortly before he moved in.

Q: That was in 1927? A: Yes. And I am quite familiar with the house, because I used to go there about three or four times a week.

10

Q: According to the appraisor's report which is Exhibit 2, it states that the roof would soon require re-shingling. Do you know anything about that? A: No, I do not. I don't think it was needed.

MR. McTAVISH: No further questions, your honour; it is all a question of value.

MR. McMASTER: No questions, your honour.

THE COMMISSIONER: You are excused, witness.

20

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

Gordon Hambleton
G. Hambleton
Official Reporter

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

J.R. Archibald
J.R. Archibald
Sub-Commissioner

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CASE No.
108
MAY 12 1948
Kamloops
& Whites

File 10195

ACKNOWLEDGED

Kamloops

NOTIFIED
APR 15 1948

25

CANADA

DEPARTMENT OF SECRETARY OF STATE

TO:

THE HONOURABLE MR. JUSTICE HENRY IRVINE BIRD, A JUSTICE OF THE COURT OF APPEAL FOR THE PROVINCE OF BRITISH COLUMBIA,

A Commissioner appointed by His Excellency the Governor General in Council of the Dominion of Canada pursuant to Order-In-Council, P. C. 1810, dated the 18th. day of July, A.D. 1947, as amended by Order-In-Council, P. C. 3737 dated the 17th. day of September, A.D. 1947, under the Inquiries Act, R. R. C. 1927, to inquire into and report upon the claim of persons of the Japanese Race, who were evacuated from the protected area of the Province of British Columbia and resident in Canada as at the 18th. of July, A.D. 1947.

THE PETITION AND CLAIM OF SENNOSUKE NISHI, (Registration No. 08366), of the Village of Ashcroft, in the Province of British Columbia,

HUMBLY SHEWETH:-

1. That I am of the Japanese Race who was evacuated from the protected area of the Province of British Columbia and resided in Canada as at the 18th. day of July, A.D. 1947.

2. Your petitioner and claimant was on all days and dates material to this petition and claim was owner of Real property which was vested in the Custodian and which was disposed of by the Custodian for less than the fair market value thereof at the time of sale resulting in loss to the claimant equal to the difference between the amount received from the sale and the fair market value, namely $5555.26 particulars of which are as follows;

1. (Residence) House and Lot known as Catalogue No. 690, 828 Royal Avenue, New Westminster, British Columbia, N½8/28/2620, in the City of New Westminster, in the District of New Westminster, in the Province of British Columbia.

(2)

A. Sold as of November 28th. 1944 by the Custodian for $1350.00 which netted to your petitioner and claimant the sum of $1244.74.

B. This residence (Frame structure) was originally purchased in 1927, by your petitioner and claimant for the sum of $1500.00 and at the same time reconditioning, decorating, painting, etc., further costed to me the sum of $1000.00 and ever since, the said structure was kept in good state of repairs at the time of my evacuation in the Spring of 1942.

I claim that the said residence and lot were sold and disposed of by the Department of the Secretary of State on the days and dates hereinbefore mentioned at a loss to me of the sum of $1255.26 as I am of the opinion that the price of the said house and lot and the true market value thereof is $2500.00.

And I further claim in respect to one Seine Boat known as "Shizu."

A. The above-mentioned boat was forced to sell, due to the pressure of my evacuation some times before my evacuation, for the sum $3200.00.

B. This Seine Boat was 53 ft. overall in length, 13 ft. beam, and powered by 50 H.P. Diesel engine. Both hull and engine were in good state of repairs, seaworthy, and in good running order.

C. I claim that the fair market value as of the above-mentioned date of the said boat was $7500.00.

D. Therefore I claim the sum of $4300.00.

WHEREFORE I PRAY:

1. That my claim for the said sum of $5555.26 be allowed and paid.

2. And for such further and other relief as the nature of the claim may require.

3. That my hearing be allowed at the City of Vancouver, in the Province of British Columbia.

2500
1350
1150

AND I, as in duty bound will ever pray etc.,

DATED at the Village of Ashcroft in the Province of British Columbia this 21st day of November, A.D. 1947.

His

Witness: C. Nishiguchi

Sennosuke X Nishi

Mark

PETITIONER AND CLAIMANT

DOMINION OF CANADA Province of British Columbia To Wit:	IN THE MATTER OF THE Claim of SENNOSUKE NISHI, filed with the Honourable Mr. Justice Henry Irvine Bird, pursuant to notice directed to persons of the Japanese Race who were evacuated from the protected area of British Columbia and resided in Canada as at July 18th. 1947.

I, Sennosuke Nishi, of the Village of Ashcroft, in the Province of British Columbia, Retired, DO SOLEMNLY DECLARE THAT

1. I am the Petitioner named in the annexed Petition and as such have full knowledge of the matters therein referred to.

2. That the various facts, matters and things in the annexed Petition contained and set forth are true in substance and in fact to the best of my knowledge, information and belief and so far as I have been able to ascertain them.

3. That I am a person of the Japanese Race.

And I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at Ashcroft, in the Province of British Columbia, this 21st day of November, A.D. 1947., the same having first been read over and explained to him who appeared perfectly to understand the same and who made his mark in my presence.	Sennosuke His Mark Nishi

~~A Notary Public in and for the Province of British Columbia~~
A Commissioner for taking affidavits within British Columbia

SENNOSUKE NISHI
(Claimant's Name)

REAL ESTATE
(Other than farm)

08366
Reg. No.

828 Royal Ave. New Westminster B.C.

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
Dwelling House 36'x50'	6 (and 2 room suite in basement)	Foundation - Post on cement Blocks Siding outside Shingle Roof Half Basement - Board floor Cottonwood Veneer inside	Dwelling (suite in basement rented)	66'x66'	Lot & House	1927

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Middle class residential district	$1500.00	1927 Rewired whole premises Cottonwood on walls (except kitchen) New light fixtures Repainting & varnishing inside & out Fixed foundations & side wall boards Constructed two room suite in basement complete with sink & w.c. approx cost $1000.00	$2500.00

Comments re upkeep of premises:

Attended to normal repairs
Had part of roof reshingled and repainted whole house a few before evacuation
Premises were in good condition

Comments re Appraiser's report not covered above:

The claimant purchased these premises from a widow. She was without funds and had let the premises get into a state of disrepair. I consider he got a very good bargain. He fixed up the premises very nicely and kept them in A-1 condition.

The appraisal report is not very descriptive. Actually these premises were quite attractive. While the Iron works were next door, there were a number of good middle class homes in the same block and this was a nice neighborhood.

The premises were not sold until June 1944 when the market for houses of this size was very good. The premises were then sold to the tenant. I consider a fair market value would have been $2500.00.

A. F. Rogerich
SIGNATURE

WESTMINSTER TRUST COMPANY

NEW WESTMINSTER, B.C.

EXHIBIT No. 108-2
DATE MAY 12 1948
FILED BY Mr Mc Martin

INSPECTION AND VALUATION REPORT

Property: Catalogue No. 690

Location: 828 Royal Avenue.

Lot Size 66x 66 Dwelling size: 36 x 50

Type of Building:

Basement: Converted into two room suite

Foundation: post on cement blocks--good.

Number of Rooms: five (5)

Living room	yes
Dining room	yes
Kitchen	yes (two)
Bedrooms	yes (two)
Bath	yes
Toilet	yes

Electric Light: yes Water: yes

Condition of Dwelling: good

Outbuildings: small shed

Heating: no

Plumbing: three piece standard

Grounds: fairly good.

Remarks: roof will soon require re-shingling, due to proximity of Iron Works. Location; not desirable.

Date: April 27, 1944 Valued at $ 1350.00

Valuator: R. Alstead.

copy made for valuation file